

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

(2) Must state in a conspicuous location where the Secretary of State's certified copy is located.

Sec. 3. 5 MRSA §8056-A, as enacted by PL 1989, c. 574, §6, is amended to read:

§8056-A. Technical assistance; annual report

1. **Checklist.** The Secretary of State shall establish and implement a checklist that ~~shall~~ must be completed by agencies and attached to ~~proposed and~~ adopted rules filed with the Secretary of State after December 31, 1989. The checklist ~~shall~~ must include the timing of filing and notices as well as other procedural requirements of this subchapter.

2. **Technical assistance.** The Secretary of State shall develop uniform drafting instructions for use by all agencies that propose rules under this subchapter and shall compile those instructions in a drafting manual. In addition, the Secretary of State shall provide assistance to any agency regarding the form for drafting of rules and supporting materials and the other requirements of this subchapter.

3. **Report.** The Secretary of State shall report to the Governor and the joint standing committee of the Legislature having jurisdiction over state and local government prior to February 1st of each year with respect to rule-making activities for the prior year. The report ~~shall~~ must include statistical information on agency rule-making activities, agency experience with procedural requirements of this subchapter, an evaluation of the codification process, the impact of the electronic text file data base on state agencies and users of the rules and recommendations for improvements to the rule-making process. In preparing the report, the Secretary of State shall solicit comments on this subchapter from agencies and their legal counsels, the ~~Director of Legislative Oversight~~ Executive Director of the Legislative Council and the public ~~on this subchapter and recommended improvements.~~

See title page for effective date.

CHAPTER 555

H.P. 335 - L.D. 465

An Act to Extend Coverage to Veterans' Stepchildren for Educational Assistance

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 37-B MRSA §505, sub-§2, ¶A, as enacted by PL 1983, c. 460, §3, is amended by amending sub-¶(1) to read:

(1) "Child" means a child whose mother or father is or was a veteran and the child:

(a) Is at least 16 years of age;

(b) Has graduated from high school; and

(c) Is not over 21 years of age at the time of first entering a vocational school or post-secondary educational institution or, if over 21 years of age upon that entry, is not over 25 years of age and had been unable to enter before the age of 21 years due to service in the United States Armed Forces.

"Child" also means a stepchild who is a member of a veteran's household either at the time of application or, in the event of the veteran's death, at the time of death, and who continues as a member of the household after the death of the veteran.

Sec. 2. **Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93
DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF		
Bureau of Veterans' Services		
All Other	\$1,500	\$1,500
Provides funds for tuition and educational assistance to veterans' stepchildren.		

See title page for effective date.

CHAPTER 556

H.P. 190 - L.D. 283

An Act to Provide Due Process in Employment Decisions Affecting Public School Principals

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA c. 504 is enacted to read:

CHAPTER 504

EMPLOYMENT OF PRINCIPALS

§13301. Definition

For the purposes of this chapter, "principal" means any person certified as a principal in accordance with chapter 501 or 502 who is employed as a supervising principal for more than 50% of the time in any public elementary or secondary school in the State.

§13302. Nomination and approval; contracts

1. Employment of principals. The superintendent shall nominate principals for employment, subject to regulations established by the school board governing salaries and qualifications and the requirements of section 1001, subsection 13. If the school board approves the nomination, the superintendent may employ a principal for a term not to exceed 3 years as determined by the school board.

2. Written contract. Employment of principals must be by written contract that includes, but is not limited to:

- A. The identification of the parties to the contract;
- B. The responsibilities of the position;
- C. The renewal or extension provisions; and
- D. The salary and benefits for the position.

§13303. Contract renewal

1. Notice. A school board shall provide notice of the renewal or nonrenewal of a principal's employment contract as follows.

A. Notwithstanding any contract provision to the contrary and no later than March 1st of the year the contract expires, the school board shall notify a principal who has been employed by the board for more than 2 years of its decision to renew the principal's contract for a period not to exceed 3 years or not to renew the principal's contract. Notice of a principal's nonrenewal of contract must be in writing. Upon written request, the school board shall provide a written statement of the reasons for nonrenewal to a principal.

B. Notwithstanding any contract provision to the contrary and no later than April 1st of the year the contract expires, the school board shall notify a principal who has been employed by the board for 2 years or less of its decision to renew the principal's contract for a period not to exceed 3 years or not to renew the principal's contract. Notice of nonrenewal of a principal's contract must be in writing.

2. Failure to give notice. If the board fails to notify the principal in accordance with subsection 1, the following provisions apply.

A. A principal may request in writing within 15 days of the March 1st or April 1st notice deadline, as ap-

plicable, a meeting with the school board to discuss contract renewal issues. The board shall hold that meeting within 30 days of receipt of the principal's request.

B. A school administrative unit shall pay a forfeiture to the principal. The amount of that forfeiture is equal to the sum of 1/260th of the principal's present annual salary rate multiplied by the number of days between the notification deadline and the date on which notification is made or a complaint is filed in accordance with this paragraph. A principal who believes notice has not been provided as required in subsection 1 may file a complaint with the commissioner. Following the filing of a complaint, the commissioner shall make a determination of whether the school board has failed to notify the principal as required by subsection 1 and of the amount of forfeiture due. If a complaint is not filed within 30 days after the termination of the principal's contract, the right to a forfeiture is no longer available.

3. Hearing. Within 15 days of receipt of notice of nonrenewal of a contract by a principal who has been employed for more than 2 years, the principal may request in writing a hearing with the school board on the decision not to renew the contract. The board shall hold the hearing within 30 days of receipt of the principal's request and either or both parties may be represented by counsel.

4. Meeting. Within 15 days of receipt of notice of nonrenewal of a contract by a principal who has been employed for 2 years or less, the principal may request in writing a meeting with the school board to discuss contract renewal issues. The board shall hold the meeting within 30 days of receipt of the principal's request and either or both parties may be represented by counsel.

§13304. Dismissal

In accordance with this section, a school board may dismiss a principal before the expiration of the contract term.

1. Requirements. The principal may be dismissed only:

- A. After consideration of a recommendation of the superintendent;
- B. For cause;
- C. After due notice and investigation;
- D. After a hearing before the school board, if requested; and
- E. By a majority vote of the school board.

2. Salary. Upon dismissal, the principal's salary ceases.

§13305. Elimination of principal's position

The right to terminate a contract, after due notice of 90 days, is reserved to the school board when changes in local conditions warrant the elimination of the principal's position for which the contract was made.

Sec. 2. Application. This Act applies to all contracts entered into or renewed or extended on or after the effective date of this Act.

See title page for effective date.

CHAPTER 557

S.P. 237 - L.D. 628

An Act to Ensure Community Participation in Substance Abuse Programs and Planning

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §20005, sub-§6, ¶¶A and B, as enacted by PL 1989, c. 934, Pt. A, §3, are amended to read:

A. Administer all contracts with community service providers for the delivery of alcohol and drug abuse services; ~~and~~

B. Establish operating and treatment standards, and inspect and issue certificates of approval for drug abuse treatment facilities or programs, including residential treatment centers, pursuant to section 20024; and

Sec. 2. 5 MRSA §20005, sub-§6, ¶C is enacted to read:

C. Ensure community participation by funding regional alcohol councils to:

(1) Assist in the development of comprehensive state plans, the review of the effectiveness of existing policies and services, and the identification of unmet needs;

(2) Review and comment on proposed grants and contracts;

(3) Increase public awareness and participation;

(4) Supply general reference information; and

(5) Advocate for individuals in need of assistance.

The director shall ensure that councils are funded in a manner that recognizes local differences in cost and travel distances and allows equal provision of services in each geographic area, to the extent that funds are available within the office for this purpose.

See title page for effective date.

CHAPTER 558

S.P. 158 - L.D. 370

An Act Regarding Purchase of Service Credit by Members Who Previously Taught in Other than Public Schools

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §17763, sub-§1, as amended by PL 1989, c. 710, §10, is further amended to read:

1. Parochial school or public or private academy. A public school teacher member who taught in a parochial school or in a public or private academy may purchase up to 10 years of service credit for that service under the following conditions.

A. The teacher member must have taught in a school approved by the Department of Education or the education department of another state while holding an appropriate teaching certificate.

B. The teacher member must have ~~10~~ 20 years of creditable service in the public schools as a state employee or teacher in this State.

C. The teacher member must, before any retirement benefit becomes effective for that teacher member, pay make contributions into the Members' Contribution Fund, for the years of private or parochial school teaching on the same basis as the member would have made contributions had the service been as a state employee or teacher in this State, including interest at a rate to be set by the board not to exceed regular interest by 5 or more percentage points. The member's earnings for the years of private or parochial school teaching must be assumed to have been the same as the average salary for teachers in this State as determined by the Department of Education for each of the years when the private or parochial school teaching took place. Interest must be computed beginning at the end of the year when those contributions would have been made, if the service had been as a state employee or teacher in this State, to the date of payment. Payment must be made by a single direct payment or annual direct payments to the retirement system; ~~an amount that,~~